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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
XIAOQIANG ZHANG,  
  
Defendant.

No. 2:23-cr-00449-MEMF

PLEA AGREEMENT FOR DEFENDANT  
XIAOQIANG ZHANG

1. This constitutes the plea agreement between XIAOQIANG ZHANG ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the above-captioned case. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. Give up the right to indictment by a grand jury and, at the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to the single-count Information which charges defendant with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C).

b. Not contest facts agreed to in this agreement.

c. Abide by all agreements regarding sentencing contained in this agreement.

d. Appear for all court appearances, surrender as ordered for service of sentence, obey all conditions of any bond, and obey any other ongoing court order in this matter.

e. Not commit any crime; however, offenses that would be excluded for sentencing purposes under United States Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the scope of this agreement.

f. Be truthful at all times with the United States Probation and Pretrial Services Office and the Court.

g. Pay the applicable special assessment at or before the time of sentencing unless defendant has demonstrated a lack of ability to pay such assessment.

h. Not to contest forfeiture of \$93,211 (HSI Case No. FP&F Case No. 2022-2704-000881-01) that was seized at defendant's residence on June 1, 2022.

## THE USAO'S OBLIGATIONS

3. The USAO agrees to:

a. Not contest facts agreed to in this agreement.

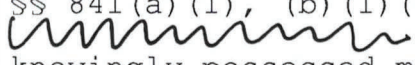
1 b. Abide by all agreements regarding sentencing contained  
2 in this agreement.

3 c. At the time of sentencing, provided that defendant  
4 demonstrates an acceptance of responsibility for the offense up to  
5 and including the time of sentencing, recommend a two-level reduction  
6 in the applicable Sentencing Guidelines offense level, pursuant to  
7 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an  
8 additional one-level reduction if available under that section.

9 d. Recommend that defendant be sentenced to a term of  
10 imprisonment no higher than the low end of the applicable Sentencing  
11 Guidelines range, provided that the offense level used by the Court  
12 to determine that range is 29 or higher and the Court does not depart  
13 downward in offense level or criminal history category. For purposes  
14 of this agreement, the low end of the Sentencing Guidelines range is  
15 that defined by the Sentencing Table in U.S.S.G. Chapter 5, Part A.

16 NATURE OF THE OFFENSE

17 4. Defendant understands that for defendant to be guilty of  
18 the crime charged in the Information, that is, possession with intent  
19 to distribute methamphetamine, in violation of 21 U.S.C.

20 §§ 841(a)(1), (b)(1)(C), the following must be true: (1) defendant  
21  knowingly possessed methamphetamine; and (2) defendant possessed it  
22 with the intent to distribute it to another person.

23 PENALTIES

24 5. Defendant understands that the statutory maximum sentence  
25 that the Court can impose for a violation of Title 21, United States  
26 Code, Sections 841(a)(1), (b)(1)(C) is: 20 years' imprisonment; a  
27 lifetime period of supervised release; a fine of \$1,000,000 or twice



1 the gross gain or gross loss resulting from the offense, whichever is  
2 greatest; and a mandatory special assessment of \$100.

3 6. Defendant understands that supervised release is a period  
4 of time following imprisonment during which defendant will be subject  
5 to various restrictions and requirements. Defendant understands that  
6 if defendant violates one or more of the conditions of any supervised  
7 release imposed, defendant may be returned to prison for all or part  
8 of the term of supervised release authorized by statute for the  
9 offense that resulted in the term of supervised release, which could  
10 result in defendant serving a total term of imprisonment greater than  
11 the statutory maximum stated above.

12 7. Defendant understands that under 21 U.S.C. § 862a,  
13 defendant will not be eligible for assistance under state programs  
14 funded under the Social Security Act or Federal Food Stamp Act or for  
15 federal food stamp program benefits, and that any such benefits or  
16 assistance received by defendant's family members will be reduced to  
17 reflect defendant's ineligibility.

18 8. Defendant understands that, by pleading guilty, defendant  
19 may be giving up valuable government benefits and valuable civic  
20 rights, such as the right to vote, the right to possess a firearm,  
21 the right to hold office, and the right to serve on a jury.  
22 Defendant understands that once the court accepts defendant's guilty  
23 plea, it will be a federal felony for defendant to possess a firearm  
24 or ammunition. Defendant understands that the conviction in this  
25 case may also subject defendant to various other collateral  
26 consequences, including but not limited to revocation of probation,  
27 parole, or supervised release in another case and suspension or

1 revocation of a professional license. Defendant understands that  
2 unanticipated collateral consequences will not serve as grounds to  
3 withdraw defendant's guilty plea.

4 9. Defendant and his counsel have discussed the fact that, and  
5 defendant understands that, if defendant is not a United States  
6 citizen, the conviction in this case makes it practically inevitable  
7 and a virtual certainty that defendant will be removed or deported  
8 from the United States. Defendant may also be denied United States  
9 citizenship and admission to the United States in the future.  
10 Defendant understands that while there may be arguments that  
11 defendant can raise in immigration proceedings to avoid or delay  
12 removal, removal is presumptively mandatory and a virtual certainty  
13 in this case. Defendant further understands that removal and  
14 immigration consequences are the subject of a separate proceeding and  
15 that no one, including his attorney or the Court, can predict to an  
16 absolute certainty the effect of his conviction on his immigration  
17 status. Defendant nevertheless affirms that he wants to plead guilty  
18 regardless of any immigration consequences that his plea may entail,  
19 even if the consequence is automatic removal from the United States.

20 FACTUAL BASIS

21 10. Defendant admits that defendant is, in fact, guilty of the  
22 offense to which defendant is agreeing to plead guilty. Defendant  
23 and the USAO agree to the statement of facts provided below and agree  
24 that this statement of facts is sufficient to support a plea of  
25 guilty to the charge described in this agreement and to establish the  
26 Sentencing Guidelines factors set forth in paragraph 12 below but is  
27 not meant to be a complete recitation of all facts relevant to the  
28



1 underlying criminal conduct or all facts known to either party that  
2 relate to that conduct.

3 On or about December 9, 2019, in El Monte, California, defendant  
4 knowingly and intentionally possessed with intent to distribute  
5 approximately 1 kilogram of methamphetamine, a Schedule II controlled  
6 substance. Specifically, defendant packaged the methamphetamine in  
7 Biafine tubes at his residence in El Monte, California, and caused  
8 the methamphetamine to be mailed from a United States Post Office in  
9 Rosemead, California destined for Australia. Law enforcement  
10 intercepted the package at the United States Post Office. Based on  
11 lab results, it was determined that approximately 959.4 grams of  
12 actual methamphetamine was contained in the package.

13 SENTENCING FACTORS

14 11. Defendant understands that in determining defendant's  
15 sentence the Court is required to calculate the applicable Sentencing  
16 Guidelines range and to consider that range, possible departures  
17 under the Sentencing Guidelines, and the other sentencing factors set  
18 forth in 18 U.S.C. § 3553(a). Defendant understands that the  
19 Sentencing Guidelines are advisory only, that defendant cannot have  
20 any expectation of receiving a sentence within the calculated  
21 Sentencing Guidelines range, and that after considering the  
22 Sentencing Guidelines and the other § 3553(a) factors, the Court will  
23 be free to exercise its discretion to impose any sentence it finds  
24 appropriate up to the maximum set by statute for the crime of  
25 conviction.

26 12. Defendant and the USAO agree to the following applicable  
27 Sentencing Guidelines factors:

1 Base Offense Level: 34 USSG § 2D1.1(a)(5), (c)(3)

2 Defendant and the USAO reserve the right to argue that  
3 additional specific offense characteristics, adjustments, and  
4 departures under the Sentencing Guidelines are appropriate.

5 13. Defendant and the USAO agree that:

6 a. Defendant did not use violence or credible threats of  
7 violence or possess a firearm or other dangerous weapon (or induce  
8 another participant to do so) in connection with the offense;

9 b. The offense did not result in death or serious bodily  
10 injury to any person; and

11 c. Defendant was not an organizer, leader, manager, or  
12 supervisor of others in the offense and was not engaged in a  
13 continuing criminal enterprise.

14 14. Defendant understands that there is no agreement as to  
15 defendant's criminal history or criminal history category.

16 15. Defendant and the USAO reserve the right to argue for a  
17 sentence outside the sentencing range established by the Sentencing  
18 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),  
19 (a)(2), (a)(3), (a)(6), and (a)(7).

20 WAIVER OF CONSTITUTIONAL RIGHTS

21 16. Defendant understands that by pleading guilty, defendant  
22 gives up the following rights:

23 a. The right to persist in a plea of not guilty.

24 b. The right to a speedy and public trial by jury.

25 c. The right to be represented by counsel - and if  
26 necessary have the court appoint counsel - at trial. Defendant  
27 understands, however, that, defendant retains the right to be

1 represented by counsel - and if necessary have the Court appoint  
2 counsel - at every other stage of the proceeding.

3 d. The right to be presumed innocent and to have the  
4 burden of proof placed on the government to prove defendant guilty  
5 beyond a reasonable doubt.

6 e. The right to confront and cross-examine witnesses  
7 against defendant.

8 f. The right to testify and to present evidence in  
9 opposition to the charges, including the right to compel the  
10 attendance of witnesses to testify.

11 g. The right not to be compelled to testify, and, if  
12 defendant chose not to testify or present evidence, to have that  
13 choice not be used against defendant.

14 h. Any and all rights to pursue any affirmative defenses,  
15 Fourth Amendment or Fifth Amendment claims, and other pretrial  
16 motions that have been filed or could be filed.

17 WAIVER OF APPEAL OF CONVICTION

18 17. Defendant understands that, with the exception of an appeal  
19 based on a claim that defendant's guilty plea was involuntary, by  
20 pleading guilty defendant is waiving and giving up any right to  
21 appeal defendant's conviction on the offense to which defendant is  
22 pleading guilty. Defendant understands that this waiver includes,  
23 but is not limited to, arguments that the statute to which defendant  
24 is pleading guilty is unconstitutional, and any and all claims that  
25 the statement of facts provided herein is insufficient to support  
26 defendant's plea of guilty.

27 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE



1        18. Defendant agrees that, provided the Court imposes a total  
2 term of imprisonment within or below the range corresponding to an  
3 offense level of 31 and the criminal history category calculated by  
4 the Court, defendant gives up the right to appeal all of the  
5 following: (a) the procedures and calculations used to determine and  
6 impose any portion of the sentence; (b) the term of imprisonment  
7 imposed by the Court; (c) the fine imposed by the Court, provided it  
8 is within the statutory maximum; (d) to the extent permitted by law,  
9 the constitutionality or legality of defendant's sentence, provided  
10 it is within the statutory maximum; (e) the term of probation or  
11 supervised release imposed by the Court, provided it is within the  
12 statutory maximum; and (f) any of the following conditions of  
13 probation or supervised release imposed by the Court: the conditions  
14 set forth in Second Amended General Order 20-04 of this Court; the  
15 drug testing conditions mandated by 18 U.S.C. §§ 3563(a)(5) and  
16 3583(d); and the alcohol and drug use conditions authorized by 18  
17 U.S.C. § 3563(b)(7).

18        19. The USAO agrees that, provided (a) all portions of the  
19 sentence are at or below the statutory maximum specified above and  
20 (b) the Court imposes a term of imprisonment within or above the  
21 range corresponding to an offense level of 31 and the criminal  
22 history category calculated by the Court, the USAO gives up its right  
23 to appeal any portion of the sentence.

24                    RESULT OF WITHDRAWAL OF GUILTY PLEA

25        20. Defendant agrees that if, after entering a guilty plea  
26 pursuant to this agreement, defendant seeks to withdraw and succeeds  
27 in withdrawing defendant's guilty plea on any basis other than a  
28

1 claim and finding that entry into this plea agreement was  
2 involuntary, then the USAO will be relieved of all its obligations  
3 under this agreement.

4 EFFECTIVE DATE OF AGREEMENT

5 21. This agreement is effective upon signature and execution of  
6 all required certifications by defendant, defendant's counsel, and an  
7 Assistant United States Attorney.

8 BREACH OF AGREEMENT

9 22. Defendant agrees that if defendant, at any time after the  
10 signature of this agreement and execution of all required  
11 certifications by defendant, defendant's counsel, and an Assistant  
12 United States Attorney, knowingly violates or fails to perform any of  
13 defendant's obligations under this agreement ("a breach"), the USAO  
14 may declare this agreement breached. All of defendant's obligations  
15 are material, a single breach of this agreement is sufficient for the  
16 USAO to declare a breach, and defendant shall not be deemed to have  
17 cured a breach without the express agreement of the USAO in writing.  
18 If the USAO declares this agreement breached, and the Court finds  
19 such a breach to have occurred, then: (a) if defendant has previously  
20 entered a guilty plea pursuant to this agreement, defendant will not  
21 be able to withdraw the guilty plea, and (b) the USAO will be  
22 relieved of all its obligations under this agreement.

23 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

24 OFFICE NOT PARTIES

25 23. Defendant understands that the Court and the United States  
26 Probation and Pretrial Services Office are not parties to this  
27 agreement and need not accept any of the parties' sentencing

1 recommendations or the parties' agreements to facts or sentencing  
2 factors.

3       24. Defendant understands that both defendant and the USAO are  
4 free to: (a) supplement the facts by supplying relevant information  
5 to the United States Probation and Pretrial Services Office and the  
6 Court, (b) correct any and all factual misstatements relating to the  
7 Court's Sentencing Guidelines calculations and determination of  
8 sentence, and (c) argue on appeal and collateral review that the  
9 Court's Sentencing Guidelines calculations and the sentence it  
10 chooses to impose are not error, although each party agrees to  
11 maintain its view that the calculations in paragraph 12 are  
12 consistent with the facts of this case. While this paragraph permits  
13 both the USAO and defendant to submit full and complete factual  
14 information to the United States Probation and Pretrial Services  
15 Office and the Court, even if that factual information may be viewed  
16 as inconsistent with the facts agreed to in this agreement, this  
17 paragraph does not affect defendant's and the USAO's obligations not  
18 to contest the facts agreed to in this agreement.

19       25. Defendant understands that even if the Court ignores any  
20 sentencing recommendation, finds facts or reaches conclusions  
21 different from those agreed to, and/or imposes any sentence up to the  
22 maximum established by statute, defendant cannot, for that reason,  
23 withdraw defendant's guilty plea, and defendant will remain bound to  
24 fulfill all defendant's obligations under this agreement. Defendant  
25 understands that no one -- not the prosecutor, defendant's attorney,  
26 or the Court -- can make a binding prediction or promise regarding  
27  
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1 the sentence defendant will receive, except that it will be within  
2 the statutory maximum.

3 NO ADDITIONAL AGREEMENTS

4 26. Defendant understands that, except as set forth herein,  
5 there are no promises, understandings, or agreements between the USAO  
6 and defendant or defendant's attorney, and that no additional  
7 promise, understanding, or agreement may be entered into unless in a  
8 writing signed by all parties or on the record in court.

9 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

10 27. The parties agree that this agreement will be considered  
11 part of the record of defendant's guilty plea hearing as if the  
12 entire agreement had been read into the record of the proceeding.  
13 AGREED AND ACCEPTED

14 UNITED STATES ATTORNEY'S OFFICE  
15 FOR THE CENTRAL DISTRICT OF  
16 CALIFORNIA

17 E. MARTIN ESTRADA  
18 United States Attorney

19 

09/07/23

20 JENNIFER L. WAIER  
21 Assistant United States Attorney

Date

22 

23 XIAOQIANG ZHANG  
24 Defendant

Date

09/06/23

25 

26 KEVIN J. COLE  
27 Attorney for Defendant  
28 XIAOQIANG ZHANG

Date

9/6/23

29 CERTIFICATION OF DEFENDANT

30 This agreement has been read to me in Mandarin, the language I  
31 understand best. I have had enough time to review and consider this  
32 agreement, and I have carefully and thoroughly discussed every part

of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

Xiao Qiang Zhang  
XIAOQIANG ZHANG  
Defendant

09/06/2023  
Date

CERTIFICATION OF INTERPRETER

I, Chen Wang, am fluent in the written and spoken English and Mandarin Chinese languages. I accurately translated this entire agreement from English into Mandarin Chinese to defendant XIAOQIANG ZHANG on this date.


[Signature]  
INTERPRETER

09/06/2023  
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am XIAOQIANG ZHANG 's attorney. I have carefully and thoroughly discussed every part of this agreement with my client.

1 Further, I have fully advised my client of his rights, of possible  
2 pretrial motions that might be filed, of possible defenses that might  
3 be asserted either prior to or at trial, of the sentencing factors  
4 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines  
5 provisions, and of the consequences of entering into this agreement.  
6 To my knowledge: no promises, inducements, or representations of any  
7 kind have been made to my client other than those contained in this  
8 agreement; no one has threatened or forced my client in any way to  
9 enter into this agreement; my client's decision to enter into this  
10 agreement is an informed and voluntary one; and the factual basis set  
11 forth in this agreement is sufficient to support my client's entry of  
12 a guilty plea pursuant to this agreement.

13   
14 KEVIN J. COLE  
15 Attorney for Defendant  
XIAOQIANG ZHANG

13 9/6/23  
14 Date